

ESTTA Tracking number: **ESTTA242649**

Filing date: **10/14/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047013
Party	Plaintiff NeTrack, Inc.
Correspondence Address	Carl Oppedahl Oppedahl Patent Law Firm LLC P.O. Box 4850 Frisco, CO 80443-4850 UNITED STATES docket-oppedahl@oppedahl.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Terrence M. Wyles
Filer's e-mail	docket-oppedahl@oppedahl.com
Signature	/s/
Date	10/14/2008
Attachments	2008-10-14-DRAFT-NTER-i007-Notice-of-Reliance-on-Second-Assignment-Docs-ExhibitsCandD.pdf (3 pages)(25006 bytes) Exhibit-C-20071010-CCofCorrectedAssignAsFiledReceived.pdf (5 pages)(284370 bytes) Exhibit-D-Printout-of-Electronic-Version-of-Corrected-AbstractOfTitle.pdf (2 pages)(53136 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 3,064,820

Mark: NETTRAK

Registered March 7, 2006

<hr/>)	
Netrack, Inc., Petitioner)	
)	
v.)	Cancellation No. 92047013
)	
Internet FX, Inc., Registrant)	
<hr/>)	

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

NOTICE OF RELIANCE

Pursuant to TBMP § 704.02, the Petitioner hereby notifies the Board and the Registrant that, in support of the Petitioner's Cancellation Action, the Petitioner is relying on the following two related documents, and accordingly introduces said documents and respectfully requests that said documents be admitted into evidence:

- **EXHIBIT C** - A copy of a certified copy of the trademark assignment for Registration No. 3,064,820 recorded on October 10, 2007 (reel/frame 3640/0542), which attempts to correct the assignee name from "NetTrack Lead Manager Solutions, Ltd." to "NetTrak Lead Manager Solutions, Ltd.", yet still erroneously lists the Petitioner's address as the address of the assignee, and which apparently indicates that even the Registrant's counsel was confused between the two marks in question. Also, notably, the new assignee name still appears to be in error as reflected in the database record of the United States Patent and trademark Office for the assignment history of Registration No. 3,064,820. This latter error may indicate that the marks are confusing to even those within the United States Patent and Trademark Office.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing NOTICE OF RELIANCE on Exhibits C and D was deposited on October 15, 2008 with the United States Post Office, First Class postage prepaid, and addressed to the Registrant's Correspondent as follows:

SUSAN E. HOLLANDER & BRITT L. ANDERSON
MANATT, PHELPS & PHILLIPS, LLP
1001 PAGE MILL ROAD, BLDG. 2
PALO ALTO, CA 94304

/s/

Terrence M. Wyles, Attorney
Colorado Reg. #39799

Attorneys for Petitioner: Carl Oppedahl
Jessica L. Olson
Terrence M. Wyles
P.O. Box 4850
Frisco, CO 80443-4850
Tel: +1 970 468-8600
Fax: +1 970 692-2203

EXHIBIT C

TS 7094339



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 30, 2007

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
October 15, 2007.**

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

L. Edele

**L. EDELEN
Certifying Officer**



10/15/2007
700346276

USPTO

10/10/2007 8:22:38 PM PAGE 4/006 Fax Server

TO: SUSAN E. HOLLANDER, ESQ. COMPANY: 1001 PAGE MILL ROAD, BUILDING 2

TRADEMARK ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.110/09/2007
900088956

SUBMISSION TYPE:	CORRECTIVE ASSIGNMENT		
NATURE OF CONVEYANCE:	Corrective Assignment to correct the Spelling of Assignee's name previously recorded on Real 003569 Frame 0515. Assignor(s) hereby confirms the Assignee's correct spelling is NetTrak Lead Manager Solutions, Ltd..		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Internet FX, Inc.		03/23/2007	CORPORATION: TEXAS
RECEIVING PARTY DATA			
Name:	NetTrak Lead Manager Solutions, Ltd.		
Street Address:	3080 Valmont Road, Suite 200		
City:	Boulder		
State/Country:	COLORADO		
Postal Code:	80301		
Entity Type:	CORPORATION: COLORADO		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	3064820	NETTRAK	
CORRESPONDENCE DATA			
Fax Number:	(650)213-0260		
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.			
Email:	patrademarks@manatt.com		
Correspondent Name:	Susan E. Hollander, Esq.		
Address Line 1:	1001 Page Mill Road, Building 2		
Address Line 4:	Palo Alto, CALIFORNIA 94304		
ATTORNEY DOCKET NUMBER:	25908.030 NETRACK		
NAME OF SUBMITTER:	Kimberley J. Thompson, Paralegal		
Signature:	/Kimberley J. Thompson/		
Date:	10/09/2007		

CH 3064820 \$40.00

REEL 003640 FRAME 0542

USPTO

6/28/2007 1:38:32 PM PAGE 4/005 Fax Server

TO:SUSAN E. HOLLANDER, ESQ. COMPANY:1001 PAGE MILL ROAD, BUILDING 2

TRADEMARK ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.106/27/2007
900080415

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Internet FX, Inc.		03/23/2007	CORPORATION: TEXAS
RECEIVING PARTY DATA			
Name:	NetTrack Lead Manager Solutions, Ltd.		
Street Address:	3080 Valmont Road, Suite 200		
City:	Boulder		
State/Country:	COLORADO		
Postal Code:	80301		
Entity Type:	CORPORATION: COLORADO		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	3064820	NETTRAK	
CORRESPONDENCE DATA			
Fax Number:	(850)213-0260		
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>			
Email:	patrademarks@manatt.com		
Correspondent Name:	Susan E. Hollander, Esq.		
Address Line 1:	1001 Page Mill Road, Building 2		
Address Line 4:	Palo Alto, CALIFORNIA 94304		
ATTORNEY DOCKET NUMBER:	25908.030 NETTRAK		
NAME OF SUBMITTER:	Kimberley J. Thompson, Paralegal		
Signature:	/Kimberley J. Thompson/		
Date:	06/27/2007		
Total Attachments: 1			

CH 3064820 \$40.00

REEL 003640 FRAME 0543

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 TO: SUSAN E. HOLLANDER, ESQ. COMPANY: 1001 PAGE MILL ROAD, BUILDING 2

TRADEMARK ASSIGNMENT

WHEREAS, Internet FX, Inc., a Texas corporation, with its principal place of business at 19202 Foxtres Lane, Houston, TX 77094 ("Assignor"), has adopted, used, is using, and is the respective owner of the following trademarks for which registration issued in the United States Patent and Trademark Office:

Trademark	Owner	Serial or Registration Number	Filing or Registration Date
NetTrak	Internet FX, Inc.	3064820	March 7, 2006 (reg. date)

WHEREAS, NetTrak Lead Manager Solutions, Ltd. ("Assignee"), wishes to acquire all right, title and interest in said trademark within the United States, including the United States and any related pending applications or registrations.

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Assignor does hereby assign unto the said Assignee all right, title, and interest in and to the said trademark in the United States and its related U.S. pending applications and registrations, together with the goodwill of the business symbolized by the trademark. Assignor hereby consents to and requests recordation of this Assignment and further authorizes and requests that all official documents and communications relating to said trademark issue and deliver to Assignee, its attorneys, agents, successors or assigns.

Dated: March 23, 2007

INTERNET FX, INC.
 A Texas corporation

By: Bernard C. Garna III
 Name: Bernard C. Garna III
 Title: President

STATE OF Texas
 COUNTY OF Harris

On this 23 day of March, 2007, before me a Notary Public, personally appeared Bernard C. Garna known personally to me to be the President of Internet FX, Inc. and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the Texas corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Carol Lynn Remy
 Notary Public

My commission expires: 4/10/09



EXHIBIT D



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 2

Serial #: [76608800](#)

Filing Dt: 08/23/2004

Reg #: [3064820](#)

Reg. Dt: 03/07/2006

Registrant: Internet FX, Inc.

Mark: NETTRAK

Assignment: 1

Reel/Frame: [3569/0515](#)

Received: 06/27/2007

Recorded: 06/27/2007

Pages: 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [INTERNET FX, INC.](#)

Exec Dt: 03/23/2007

Entity Type: CORPORATION

Citizenship: TEXAS

Entity Type: CORPORATION

Citizenship: COLORADO

Assignee: [NETTRACK LEAD MANAGER SOLUTIONS, LTD.](#)3080 VALMONT ROAD, SUITE 200
BOULDER, COLORADO 80301

Correspondent: SUSAN E. HOLLANDER, ESQ.

1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO, CA 94304

Assignment: 2

Reel/Frame: [3640/0542](#)

Received: 10/15/2007

Recorded: 10/10/2007

Pages: 3

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE SPELLING OF ASSIGNEE'S NAME PREVIOUSLY RECORDED ON REEL 003569 FRAME 0515. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNEE'S CORRECT SPELLING IS NETRAK LEAD MANAGER SOLUTIONS, LTD.

Assignor: [INTERNET FX, INC.](#)

Exec Dt: 03/23/2007

Entity Type: CORPORATION

Citizenship: TEXAS

Entity Type: CORPORATION

Citizenship: COLORADO

Assignee: [NETRAK LEAD MANAGER SOLUTIONS, LTD.](#)3080 VALMONT ROAD, SUITE 200
BOULDER, COLORADO 80301

Correspondent: SUSAN E. HOLLANDER, ESQ.

1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO, CALIFORNIA 94304

Search Results as of: 10/25/2007 02:13 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
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